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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,385	11/26/2001	Jean-Luc Bouvier	MIC-16 (P50-0065)	7265
7590	05/20/2004		EXAMINER	
Neal P. Pierotti Dority & Manning Attorneys at Law, P.A. P.O. Box 1449 Greenville, SC 29602			JOHNSTONE, ADRIENNE C	
			ART UNIT	PAPER NUMBER
			1733	
DATE MAILED: 05/20/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/994,385

Applicant(s)

BOUVIER ET AL.

Examiner

Adrienne C. Johnstone

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,7-11 and 13-21 is/are pending in the application.
- 4a) Of the above claim(s) 16 and 21 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 7-9 is/are allowed.
- 6) ☒ Claim(s) 10,11,13-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 16 and 21 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.
2. Due to the allowability of claim 1, non-elected invention claim 7 which incorporates all of the limitations of claim 1 is hereby REJOINED. Claims 16 and 21 have not been rejoined at this time because they do not incorporate or otherwise include all of the limitations of allowable claim 1.

### *Claim Rejections - 35 USC § 103*

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 10, 11, 13-15, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Lacour (5,891,279), Suris (4,305,444), Drieux et al. (5,634,993) cited by applicants, French (5,885,383), British Patent Specification 283,660, Kraft (2,427,216), Macklin (1,566,028), Japanese Patent Application 62-275802, German Patent Application L 20502 II/63d, Japanese Patent Application 5-169901, Harrington et al. (4,269,251), and French et al. (4,148,348).

These references are combined for the same reasons as set forth in Paper Number 15 duplicate paragraph 1 (the actual fourth paragraph), with Suris, Drieux et al. cited by applicants, and French (5,885,383) added as further examples of the prior art tire apparatus similar to the claimed tire apparatus in response to applicants' challenge of the examiner's position that the admitted prior art and Lacour are merely exemplary of the prior art tire apparatus and therefore the prior art tire apparatus does not include a requirement for

Art Unit 1733

minimizing weight. Specifically, the only difference between the prior art tire apparatus and the claimed tire apparatus is the presence of the plurality of friction members on at least one of the bead seats to prevent relative rotational movement between the tire and rim, as evidenced by applicants (specification p. 2 lines 9-18), Lacour (col. 1 line 5 - col. 4 line 3), Suris (embodiment of Figure 3), Drieux et al. (embodiment of Figure 2), and French (embodiments of Figures 2 and 6) for example; however, it is well known to provide such friction members on rim bead seats of pneumatic tires in order to counteract the natural tendency of the tire to creep around the wheel rim (rotate relative to the wheel rim) when the vehicle is in motion, as evidenced by British Patent Specification 283,660 (p. 1 line 12 - 65: anti-creep lugs in the form of axially extending corrugations (alternating ridges and depressions) in the bead seats), Kraft (col. 1 line 1 - col. 2 line 29: anti-creep lugs in the form of transverse serrations in a portion of the bead seats (other portion constitutes bead seal zones) and screws through the bead seats), Macklin (p. 1 line 10 - p. 2 line 2: anti-creep lugs in the form of axially extending knobs in a portion of the bead seats (other portion constitutes bead seal zones)), JP 802 (abstract, figures: portion of bead seat surfaces roughened to prevent slippage of the tire on the rim (other portion constitutes bead seal zones)), German Patent Application L 20502 II/63d (lines 18-35: steel granules or spheres sprayed on bead seat surfaces to roughen them, providing raised portions and recesses, determined through oral translation), JP '901 (abstract and translation paragraphs 0001-0014: bead seats dotted with rough membrane layer of sand or shell particles in a matrix resin to prevent rim slip (undotted portion of bead seats constitutes air seal zones), Harrington et al. (col. 1 lines 4-17, col. 2 lines 33-43, col. 3 lines 1-8, and col. 3 lines 56-60: preventing creep under low tire inflation pressure), and French et al. (col. 1 lines 5-31 and col. 12 lines 52-56: preventing creep under low tire inflation pressure by roughening the surface of the groove portion of the bead seat (other portion constitutes air seal zones)), for example. It would therefore have been obvious to one of

Art Unit 1733

ordinary skill in the art to provide the rim bead seats of the prior art tire apparatus with such well known friction members in order to counteract the natural tendency of the tire to creep around the wheel rim (rotate relative to the wheel rim) when the vehicle is in motion.

*Response to Arguments*

5. Applicants argue that the teaching of the admitted prior art and Lacour would require one of ordinary skill in the art to minimize the weight of the prior art tire apparatus and therefore would “teach away” from the combination proposed by the examiner, but in the three added patents above minimizing weight is not even disclosed as an objective or an advantage; one of ordinary skill in the art would therefore find ample motivation to make the combination for the reasons noted above, the teaching to minimize weight in the admitted prior art and Lacour therefore not “teaching away” from the proposed combination. See the case law cited in MPEP 2145(X)(D)(1).

*Allowable Subject Matter*

6. Claims 1 and 7-9 are allowed.

7. The following is an examiner’s statement of reasons for allowance: The only prior art of record to disclose using grit as friction members on rim bead seats is Japanese Patent Application 5-169901 A, however this reference is limited to providing grit at one or more discrete portions around the circumference of a bead seat rather than providing the grit around the entire circumference of the bead seat as is now claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

*Conclusion*

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adrienne C. Johnstone whose telephone number is (571)272-1218. The examiner can normally be reached on Monday-Friday, 10:30AM-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571)272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

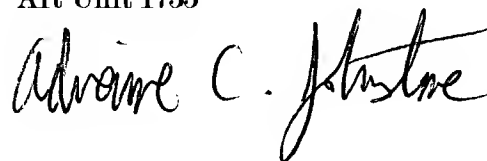
Art Unit: 1733

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Adrienne C. Johnstone  
Primary Examiner  
Art Unit 1733

Adrienne Johnstone

May 17, 2004

A handwritten signature in black ink that reads "Adrienne C. Johnstone". The signature is written in a cursive, flowing style with a large initial 'A' and a distinct 'C'.